OSHA
QUESTIONS

Q. What is your Company's position on smoking lounges? Separately ventilated lounges?

Q. Exactly, what is your Company's position on the health effects of ETS exposure in the workplace?

- Does ETS exposure cause lung cancer?

- Does ETS exposure cause heart disease?

- Does ETS exposure cause respiratory disease in adults?

Can it aggravate sensitive conditions (asthma etc.)

Q. In your Company's view does smoking cause any of these health effects? Isn't ETS the same as tobacco smoke, only at reduced "doses"?

Q. What is the scientific basis for your Company's views on ETS? Can you identify non-industry scientists who share your views?

Q. Why have NIOSH, the Surgeon General, EPA and a score of other groups all come to different conclusions? How do you explain the weight of this evidence and the consistency of overall scientific opinion?

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Q. What additional scientific data can your Company provide to support these positions?

Q. As a matter of interest, what is your Company's policy concerning indoor smoking in the workplace?

Q. How does your Company ensure adequate IAQ in the office workplaces?

Q. What would you want us to do regarding regulatory activity relating to the workplace? What do you think should be done? What, in turn, will you support?

why not leave technical and lead discussion

Q. Your Company has urged a building systems approach to IAQ. Isn't a building systems approach a much stronger approach if reasonable source control measures, such as restricting smoking, are incorporated?

Q. Why wouldn't a separate rulemaking concerning environmental tobacco smoke not only be appropriate, but in your interest?

Q. Smoking is not an integral part of any production process or office procedure. Why shouldn't steps be taken to restrict indoor smoking in the workplace if it doesn't harm the overall production process in office environments, but it does reduce

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any possible risk to nonsmokers? Shouldn't we come down on the side of protecting nonsmokers?

Q. What about pregnant women -- isn't exposure to environmental tobacco smoke in the workplace harmful to women who are pregnant? Shouldn't steps be taken, in an abundance of caution, to restrict workplace exposures?

Q. We are inclined to approach indoor smoking from the standpoint of allowing smoking in segregated areas that are separated ventilated and exhausted. What is wrong with such an approach? Isn't such an approach the essence of "accommodation"?

Q. The EPA's risk assessment suggests that there is no safe threshold for exposure to environmental tobacco smoke. Given this no threshold concept, why shouldn't we take action to restrict involuntary exposure to environmental smoke in the indoor workplace? Shouldn't we error, if at all, on the side of protecting the working public?

Q. What research has your Company conducted concerning the health effects of environmental tobacco smoke? Will you share such research?

Warnings to employees.

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Q. What research has your Company done concerning monitoring of exposure to environmental tobacco smoke in the indoor workplace? Will you share such research?

Q. What studies or research have you done concerning smoking lounges? Can you supply it to us?

Q. Would your Company be willing to fund further studies regarding exposure to environmental tobacco smoke in the workplace?

Q. What joint action are you prepared to undertake with OSHA regarding a regulatory approach to ETS in the workplace?

Q. Why did your Company file the lawsuit against the EPA?

Q. [EPA began working on the risk assessment approximately five years ago. Before releasing the final risk assessment, the agency released two draft documents. With regard to lung cancer, both drafts reached the same conclusion as the final risk assessment -- that ETS is a Group A carcinogen.] The first draft of the risk assessment was released to the public more than three years ago, and the second draft was released a full year ago. The final risk assessment was released more than six months ago. If EPA was clearly wrong, why have you waited until now to file this lawsuit?

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Want disclose?



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Q. Why did you file the EPA lawsuit in North Carolina and not here in the District where the federal agencies are?

Q. Does Gray Robertson work for you? Jim Tozzi?

Q. Since the risk assessment was released in January 1993, many workplaces have banned smoking, and several states have passed laws prohibiting indoor smoking in a wide range of public places. How is this lawsuit going to change those decisions that have already been made?

Q. You agree -- and even allege in lawsuit -- that the EPA has no regulatory authority over smoking? You'd agree that we have authority?

Q. Since others such as the U.S. Surgeon General already have reported that ETS causes lung cancer, what's so troubling about the EPA's conclusion?

Q. Isn't this EPA lawsuit simply another step by the tobacco industry to block the flow of information to the public and perhaps even to our agency?

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Q. Generally speaking, wouldn't you agree that federal agencies such as EPA and OSHA have an obligation to identify and publicize health risks for the American people?

Q. As a matter of general interest, why does your complaint fail to challenge the risk assessment's conclusion that parental smoking causes respiratory diseases and disorders in children? What's your position on ETS exposure and kids?

Q. EPA's Risk Assessment Guidelines establish the very classification system you challenge in your lawsuit. How could EPA have had authority to perform a risk assessment of ETS under the Radon Act and not have had authority to classify it as a Group A carcinogen?

Q. After this EPA report, aren't employers exposed to potential liability if they allow smoking in the workplace? What is your position on their legal liability for involuntary employee exposure to ETS?

Q. With your EPA lawsuit, are you saying that American employers have no liability for ETS exposure at work?

Q. Even if you are successful with your lawsuit, it doesn't change the underlying science. Doesn't the science still mandate

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that employers take steps to restrict involuntary exposure to ETS -- and isn't that where OSHA can help?

Q. What did EPA do or fail to do that makes its classification of ETS as a Group A carcinogen "arbitrary and capricious?

Q. Haven't all of your arguments about the "bad science" in the risk assessment already have been made several times to the EPA Science Advisory Board that reviewed the various drafts of the risk assessment?

Q. In our talks with EPA they emphasize biological plausibility and positive dose response. What do you say?

Q. Given that the SAB unanimously endorsed the conclusion that ETS is a Group A carcinogen, how do you expect to persuade any judge that this classification is arbitrary and capricious?

Q. With your EPA lawsuit, are you telling OSHA and the American public that ETS exposure is safe -- that it doesn't cause injury?

Q. If we were to discuss costs and benefits of workplace smoking, what possible benefits can you cite to?

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Q. If OSHA agrees to pursue one rulemaking on IAQ/ETS would you agree to smoking lounges?

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